

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

Oklahoma Natural Gas,)
Plaintiff)

vs.)

NEXTERA ENERGY, LLC,)
Defendant)

Case No. 21-419-B

May 2022 TRIAL DOCKET

SCHEDULING ORDER

Date 9-8-2021 Judge Timothy D. DeGiusti Clerk Mike Bailey

Appearing for Plaintiff _____

Appearing for Defendant _____

☒ JURY TRIAL DEMANDED - ☐ NON-JURY TRIAL

THE FOLLOWING DEADLINES ARE SET BY THE COURT

1. Motions to join additional parties to be filed by within 14 days of this order.
2. Motions to amend pleadings to be filed by within 14 days of this order.
3. Plaintiff to file a **final** list of **expert witness(es) in chief and serve expert reports** by January 4, 2022.*
Defendant to file a **final** list of **expert witness(es) in chief and serve expert reports to plaintiff** by January 18, 2022.*
4. Plaintiff to file a **final** list of **witnesses**, together with addresses and brief summary of expected testimony where a witness has not already been deposed, by January 18, 2022.* Defendant to file a **final** list of **witnesses** (as described above) **fourteen (14) days** thereafter.*
5. Plaintiff to file a **final exhibit** list by January 18, 2022.* Defendant to file objections to plaintiff's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B), by within 14 days.

Defendant to file a **final exhibit** list 14 days thereafter.* Plaintiff to file objections to defendant's final exhibit list, under Fed. R. Civ. P. 26 (a)(3)(B) by within 14 days.

*The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises. Except for good cause shown, no witness will be permitted to testify and no exhibit will be admitted in any party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.

6. Discovery to be completed by March 4, 2022 .
7. All dispositive and *Daubert* motions to be filed by February 4, 2022** .

****If dispositive motions are filed, the trial setting will change. The parties may also move to stay unexpired scheduling order deadlines pending the Court's ruling on dispositive motions. Absent such a motion, all deadlines will remain in full force and effect.**
8. Trial docket May 10, 2022 ***

*****Trial dockets generally begin the second Tuesday of each month. However, this practice varies, particularly during holidays. The published trial docket will announce the trial setting.**

The interval between the dispositive motion deadline (§ 7) and the trial docket (§ 8) is relatively inflexible. An extension of time to file or respond to a motion for summary judgment will likely affect the trial setting.
9. Designations of deposition testimony to be used at trial to be filed by April 4, 2022 . Objections and counter-designations to be filed by 7 days thereafter . Objections to counter-designations to be filed by 7 days thereafter .
10. Motions in limine to be filed by April 4, 2022 .****
******Unless leave of Court to file separate motions in limine is granted, all motions in limine shall be consolidated into a single filing, which shall be subject to the page limitation in LCvR 7.1(e).******
11. Requested voir dire to be filed by April 4, 2022 .
12. Trial briefs (optional unless otherwise ordered) to be filed by April 4, 2022 .
13. Requested jury instructions to be filed on or before April 4, 2022.*****
14. Proposed findings and conclusions of law to be filed not later than April 4, 2022.*****

*******In addition to filing, the parties are encouraged, but not required, to submit their proposed jury instructions or findings of fact and conclusions of law in Word format to the Clerk via the Court's designated mail box: degiusti-orders@okwd.uscourts.gov.**
15. Any objection or responses to the trial submissions referenced in 10, 11, 12, 13, or 14 to be filed within **fourteen (14) days** thereafter.
16. The Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules (*see Appendix IV*), together with **a proposed order approving the report**, to be submitted to the Court by April 4, 2022.

17. This case is referred to ADR:

- ☒ Mediation by agreement of the parties, exempt from LCvR 16.3.
☒ by Order of the Court:
☒ Court-Ordered Mediation subject to LCvR 16.3.
☐ Judicial Settlement Conference
☐ Other _____

If the Court orders mediation, the process shall be completed and a report filed with the Court by the parties, stating whether the case settled, or not later than 14 JANUARY 2022.

18. ☐ The parties consent to trial by a Magistrate Judge.

19. Initial disclosures pursuant to Fed. R. Civ. P. 26 have been made ☐; are excused ☐; or ☐ shall be made not later than _____.

20. Other: Objections to exhibits must be shown in the Final Pretrial Report or may be deemed waived

Dated this 8th day of September 2021

BY ORDER OF THE COURT
CARMELITA REEDER SHINN, CLERK OF COURT

By: 
Deputy Clerk

Copies to all parties